REPORT

With Appendix

FROM THE

COMMISSIONERS

APPOINTED TO INQUIRE INTO THE STATE OF

ILCHESTER GAOL.

Ordered, by The House of Commons, *to be Printed,*
8 *February* 1822.

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(A.)

THE COMMISSION.

GEORGE THE FOURTH, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, TO Our trusty and well-beloved *Thomas Grimston Estcourt*, *Charles Godfrey Mundy*, and *John Delafield Phelps*, Esquires, greeting: Whereas the Knights, Citizens and Burgesses, and Commissioners of Shires and Burghs in Our Parliament of Our United Kingdom of Great Britain and Ireland assembled, presented an humble Address to Us, that We would be graciously pleased to direct that a Commission be issued to inquire into what has been and now is the condition and treatment of Prisoners confined in Ilchester Gaol, the conduct and management of the said Gaol, and the site and buildings of the same; Now know ye that We, considering the premisses, and earnestly desiring that such an enquiry should be made as speedily as possible, and reposing great trust and confidence in your fidelity, judgment and ability, have authorized and appointed, and by these presents do authorize and appoint, you the said *Thomas Grimston Estcourt*, *Charles Godfrey Mundy*, and *John Delafield Phelps*, and any two of you, to make a diligent and strict enquiry, by all lawful ways and means whatsoever, into the matters referred to by the above-mentioned Address of Our faithful Commons, and report to Us, in writing under your hands and seals, or under the hands and seals of any two of you, whether any and what abuses have existed or do exist in the management of Our said Prison, or of the Prisoners therein confined, and what remedies have been adopted, or may now properly be applied thereto, and what regulations or provisions may be necessary or proper for the better management of the said Prison, and of the Prisoners confined therein, and for the prevention of abuses therein in future, and also touching the site and buildings of the same; and for this purpose We do by these presents give and grant to you, Our said Commissioners, or any two of you, full power and authority to cause all and singular the gaolers, keepers, and other officers and attendants, of and belonging to or in anywise employed in or about the said Prison respectively, to bring and produce upon oath, before you or any two of you, all and singular the records, regulations, documents, books and papers or other writings, belonging or appertaining to the conduct, management or treatment of the said Prison and Prisoners confined therein, which shall be in the custody of them or any of them respectively, and also to summon before you, and examine upon oath (which oath we do hereby authorize you or any two of you to administer) all and every person or persons who can give evidence upon all or any the matters herein referred to you: And to the end that Our Royal will and pleasure in the premisses may be executed with the greater regularity and dispatch, We further, by these presents will and command, and do hereby give full power and authority to you or any two of you, to nominate and appoint such person of ability, care and diligence, as you shall think fit, to be and act as your clerk, for the purpose of aiding you in the execution of these presents: And We further will and command, and by these presents ordain, that you or any two of you shall certify, under your hands and seals, unto Our Lord High Treasurer, or to the Commissioners of Our Treasury for the time being, what shall be a fit and suitable recompence for such clerk's pains and service hereby required to be by him performed: And Our further will and pleasure is, that you or any two of you, shall, on or before the first day of November next, report unto Us, under your hands and seals respectively, your proceedings had by virtue of these presents, together with such other matters (if any) as may be deserving of Our Royal consideration concerning the premisses. In witness whereof We have caused these Our letters to be made patent. Witness Ourself at Westminster, the ninth day of May, in the second year of Our reign.

By Writ of Privy Seal.

BATHURST.

(A. 2.)

COMMISSION.

GEORGE THE FOURTH, by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, TO Our trusty and well-beloved *Thomas Grimston Estcourt*, *Charles Godfrey Mundy*, and *John Delafield Phelps*, Esquires, greeting: Whereas upon an humble Address of the Knights, Citizens and Burgesses, and Commissioners for Shires and Burghs in Parliament assembled, We did by Our letters patent under Our great seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster, the ninth day of May one thousand eight hundred and twenty-one, in the second year of Our reign, authorize and appoint you the said *Thomas Grimston Estcourt*, *Charles Godfrey Mundy* and *John Delafield Phelps*, to make a diligent and strict inquiry into what had been and then was the condition and treatment of Prisoners confined in Ilchester Gaol, the conduct and management of the said Gaol, and the site and buildings of the same; and We did by Our said letters patent, declare Our will and pleasure to be, that you Our said Commissioners should, on or before the first day of November then next ensuing, and now last past, report unto Us under your hands and seals respectively, your proceedings had by virtue of the said letters patent, together with such other matters (if any) as might be deserving of Our royal consideration concerning the premisses: And whereas you, Our said Commissioners, have by your Memorial bearing date the thirty-first day of October last, humbly represented unto Us, that in obedience to Our said Commission, you proceeded to Ilchester, where you arrived on the twenty-fourth day of May last, and forthwith commenced your enquiry, as directed by Our said Commission; that you continued such enquiry from day to day, until the second day of July, when you returned to London; that from that time until the present period, you have sedulously employed yourselves in prosecuting your enquiry, in such way as appeared to you best calculated to meet Our gracious intentions; but that you regret to state, that owing to the very complicated and extensive nature of the subject submitted to your investigation, you have not yet been able, with your utmost diligence, to prepare for Our consideration, a full and complete Report of your proceedings; but as you have made considerable progress, you confidently believe, that if it shall be Our pleasure to grant to you an extension of the time within which your Report is by Our said Commission directed to be presented, you should be enabled to lay before Us, in a more complete shape than you can do at the present moment, the result of your examination, with the observations which it will be your duty to submit thereon: And you therefore humbly pray, that We will be graciously pleased to extend the period within which it is Our pleasure that you shall present your Report to Us, to the tenth day of December next ensuing, or to such other day as We may in Our wisdom think proper to order: Now know ye, that We have enlarged, and by these presents do enlarge the time for you the said *Thomas Grimston Estcourt*, *Charles Godfrey Mundy* and *John Delafield Phelps*, to make your Report unto Us, pursuant to the said letters patent, until the tenth day of December next. In witness whereof, We have caused these Our letters to be made patent. Witness Ourself at Westminster, the twenty-third day of November, in the second year of Our reign.

By Writ of Privy Seal.

BATHURST.

REPORT

FROM THE

COMMISSIONERS

Appointed to enquire into the Condition and Treatment of Prisoners confined in Ilchester Gaol, the Conduct and Management of the said Gaol, and the Site and Buildings of the same.

TO THE KING'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY,

YOUR Majesty having by virtue of Your Majesty's commission, bearing date the ninth day of May 1821, been pleased to authorize and appoint us, whose names are hereunto subscribed, to make a diligent and strict inquiry, by all lawful ways and means whatsoever, into the condition and treatment of Prisoners confined in Ilchester Gaol, the conduct and management of the said Gaol, and the site and buildings of the same, and to report to Your Majesty, whether any and what abuses have existed or do exist, in the management of the said Prison, or of the Prisoners therein confined; and what remedies have been adopted or may now properly be applied thereto; and what regulations or provisions may be necessary or proper for the better management of the said Prison, and of the Prisoners confined therein, and for the prevention of abuses therein in future; and also touching the site and buildings of the same: We beg leave humbly to represent, that in obedience to Your Majesty's commands, we proceeded to Ilchester, where we arrived on the 24th day of May, at two o'clock, P. M. and soon after demanded admittance at the Gaol, in which we understood that the high sheriff, and several of the magistrates of the county were assembled. We caused them to be informed of our arrival, and that we should proceed forthwith to open Your Majesty's commission. On receiving this communication, the high sheriff (William Hanning, Esquire) and several magistrates attended; we required the presence of the governor, and of all the officers of the gaol, and of some prisoners from each of the wards. On these persons being assembled, Your Majesty's commission was opened, and read by the clerk to the commission. We then demanded the rules, and the keys of the Prison, which were delivered to us accordingly; and we required that some person, not himself the object of any complaint, should conduct us round the prison. No printed form of rules being in existence, one of the large written copies in a frame was produced, several of which are hung in different parts of the prison, but some of them are nearly obliterated by dirt; and to our surprize, we learned that no rules for this Gaol had ever been ratified by the judges, but we were informed that a code of rules was now before them for their consideration. Appendix (A.) Appendix (D.)

For the purpose of giving due effect to Your Majesty's commission, and of affording facility to all who might have any information to communicate, we affixed a notice on the outer gate of the Prison, apprizing all persons that we, Your Majesty's commissioners, were assembled for the purpose of hearing those who might be desirous of making complaints, or of offering any statements touching the objects of the commission; and we issued an order to the governor, requiring him to give free admittance to any such persons. Appendix (C.) Appendix (B.)

Mr. Henry Hunt, one of the prisoners, who came to hear the commission read, then stated, that the sheriff and magistrates had held an enquiry for some time, on certain charges delivered in by him against Mr. William Bridle, (the governor;) that he had produced evidence in support of the said charges; that his case was

closed; and that the governor having had a week allowed to him to prepare his defence, it had been expected that he would have opened it on that day, but that he (the governor) had not done so, and had stated his intention not to make his defence to any but Your Majesty's commissioners. Mr. Hunt further stated, that he had preferred thirteen charges against the governor, before the sheriff and magistrates, and was ready to do so again before Your Majesty's commissioners, and to substantiate the charges by evidence; and that he had been allowed, by an order from the sheriff and magistrates, to have free access to all gaol books, orders, and accounts whatsoever, and to have admitted to him any prisoner or other person with whom he wished to communicate, for the purpose of preparing the evidence in support of his charges; and that he was thereby in possession of all matters of complaint existing within the Gaol, and had arranged them under distinct heads.

Appendix (DD.) Occurrence Book, 18 May 1821.

Appendix (DD.) 12 April 1821.

Having directed the prisoners present to make known in their several wards, that Your Majesty's commission had been opened, and that the commissioners would continue their sittings at eight o'clock the next morning, we then began our examination of the Gaol, attended only by the clerk to the commission and the taskmaster, (John Bunter,) who had been recently appointed to that office, and against whom, it was stated, that there was no complaint. We proceeded to inspect every part of the prison, and questioned every prisoner, as to any complaint that he might have to make; always sending away the taskmaster, that the prisoners might speak without restraint.

On inspecting the sleeping-cells, both of the felons, and of those called "Timemen" (meaning such as are imprisoned for a term,) we perceived that many of them were occupied by two persons; and were told, that it was by the choice of the prisoners; this appeared to us to be an improper option to be given to them. In many of the cells a large heavy chain was attached to the floor; in others, to the bedstead, apparently for the purpose of being fastened to the ancle or wrist of a prisoner. Some of the cells had no inhabitant, though others contained two, as before stated.

We made a memorandum of the statements of the different prisoners, for the purpose of future investigation. The majority of those who had any complaints to make, referred us to Mr. Hunt, to whom they stated, that they had already delivered them, in obedience to the order of the sheriff, that Mr. Hunt should be allowed to send for any prisoners having complaints to make; and that upon so attending, they had put him in possession of the same.

Appendix (DD.) 12 April 1821.

The general complaint of such prisoners as had no allegation of individual ill-treatment, was against the water, which they almost universally spoke of as being offensive, both in smell and taste; especially at the first pumping in the morning. We therefore tasted the water at all the wells, and found a disagreeable flavour; this, it is to be observed, took place in the afternoon, after a considerable quantity of water had been drawn off in the course of the day, and when, according to the statement of the prisoners, the disagreeable taste and smell of the water was less perceptible.

The greater part of the prisoners likewise complained of the bread furnished by the county. We examined it, and it appeared to be ill made, to have an acid taste, and to be composed of a quality of flour by no means equal to that required by the contract made by the magistrates with the baker, which we inspected, and found to be for the "standard wheaten loaf of fair marketable quality." We had, however, the pleasure of knowing, a considerable time before we left Ilchester, that this complaint was investigated by the magistrates, and the terms of the contract enforced; by which means excellent bread of the quality required by the contract, was furnished for the use of the prisoners.

Appendix (F.)

Many of the prisoners complained of letters being opened, and of the Gaol being cold and damp.

After having completed our inspection, we demanded the books and papers relative to the Gaol; and Mr. Edward Coles (clerk of the peace) being in attendance and sworn, stated that there never had been any rules which had received the sanction of the judges, but that a set of rules had at the last Lent Assizes been laid before the judges on the circuit for their consideration, but which had not as yet been returned by them.

Appendix (G.) (I.)

We

We next proceeded to examine the governor, who, being sworn, deposed that he was appointed to his office in 1808, with a salary of five hundred pounds a year; that he was at the time of his appointment chief mate of the Retribution hulk stationed at Woolwich; that there were tables of rules hung up in various parts of the Gaol, by which he was accustomed to act; that there was also a book called The Magistrates' Journal, in which all particular orders for his guidance under special circumstances were entered. The governor having delivered in the books, pointed out their several uses, particularly that of the Magistrates' journal, and of the book of daily occurrences, which he described as being that in which he (or, in his absence, the officer next in rank in the Gaol) was required to enter every occurrence that took place, for the information of the magistrates. Appendix (D.)

We then proceeded to examine several prisoners touching their complaints, which were chiefly relating, among the debtors, to the inconvenience of the mode and hours at which their friends were admitted to visit them; these hours being from nine to ten, from twelve till one, and from three till four; and they were then only allowed to see them in a room called the "conversation room," which they stated to be small, damp, cold and inconvenient; and that there were frequently twelve or fourteen persons at a time in it. This rule does not extend to the wives of the debtors, who are allowed to visit their husbands in the wards, but not to enter their lodging rooms. Simon Cozens, a debtor, stated that his son who came thirty-three miles to see him, was only allowed to be with him one hour; and that although they had business to transact, they were obliged to pass that hour in the above-named conversation room in company with many others.

Many of them likewise complained that the Gaol was at times subject to being flooded, when the river overflowed.

Several of the debtors complained that a part of their yards had been converted into garden ground for the use of the governor, by which their space for exercise became materially contracted; and that they were not allowed to walk on that part so converted into a garden, or to play at fives against the wall for their amusement. Plan (A.)

With respect to these complaints, we beg humbly to represent to Your Majesty, that, on examination, they appeared to us to be well founded. A large piece of that part of the yard, which from its aspect is calculated to receive the principal benefit of the sun in the course of the day, has been for a considerable time occupied for the sole use of the governor, in the growth of vegetables. A strict watch is kept by the turnkeys and the other officers of the Gaol, to prevent any of the debtors from trespassing on this garden; whereby they are excluded from the use of the most comfortable part of their yard, and their space for exercise is very much diminished; at the same time they are exposed to temptation by the constant sight of the produce of the garden, placed completely within the reach of men who, as in the case of the lower or poor debtors, have nothing to live upon beyond the county allowance of bread and water. Such temptation cannot fail to excite jealousy and suspicion on the part of the governor, and frequently a desire of pilfering on the part of the debtors: whether this restriction arose from the fear of injuring this garden, or from any other cause, did not appear to us, but certain it is that the debtors were not permitted to use a ball for recreation and exercise against this part of the wall. Plan (A.)

On examining the governor as to the establishment of the Gaol, with respect to officers, we were informed that the officer next in rank to himself, is the taskmaster, whose duty it is to superintend the various species of labour performed by the male prisoners. The next officers in rank are,—first, the turnkey at the entrance lodge; and second, the turnkey at the debtors lodge. There are also assistant turnkeys and messengers, besides the constables of the wards, which last are selected from among the prisoners, and whose duty it is to keep the wards and rooms clean, and to report to their superior officers any extraordinary circumstances that may arise in their respective wards; or any improper conduct on the part of the prisoners who inhabit them. The female prisoners are entirely under the care and superintendence of the matron, and are employed in the washhouse and laundry, in washing, ironing and repairing the clothes, &c. used in the Gaol. The duty of the messengers is, among other things, to carry the orders from the prisoners to the shops in the town, for such articles as they are allowed to purchase, for which purpose they are provided with a book. Persons are likewise permitted to come to the Gaol every morning, with articles of provision, &c. for sale to the

prisoners, and are attended by one of the officers, which traffic is carried on through a small trap-door placed in the walls of the different yards. This kind of market, in the language of the prison, is called "shop;" besides which, other persons are permitted at different times to come in with eggs, milk, bacon, &c. for sale.

With respect to the complaints made by Mr. Hunt, and other prisoners, of the conduct of the governor, it does appear to us, that he has greatly neglected his Appendix (E.) duty in not properly inspecting the wards, and other parts of the Gaol; in omitting to visit the sick, and sufficiently to superintend and control the conduct of the inferior officers.

The manner of keeping the daily Occurrence book, forms a subject for grave reprehension; this volume should present a faithful record of every transaction in the Gaol, regularly entered in the order, and on the day in which it took place; the visiting magistrate would in such case, know where to find every subject of inquiry which had occurred since his last visit. But the interlineations, interpolations and additions to the entries in the book at Ilchester, made long subsequent to the body of the entry itself, were not only calculated, but in our judgment were intended to mislead and delude the research and investigation that would have discovered abuses and irregularities, and secured a faithful discharge of the duties required from the governor.

With respect to the charges of drunkenness, and gambling for large sums, it does not appear to us, that they are sufficiently supported by the evidence; and although it seems that in one instance, a game at cards for a considerable amount had been introduced, in the absence of the governor, by Mr. John Kinnear, a prisoner, under sentence for a misdemeanor, at that time lodging in the governor's house, and admitted to associate with his family, yet it was proved that he (the governor) put a stop to the game, on his discovering the nature of it.

It appears that the governor has at times descended to the use of oaths, and other improper language; and so diminished that respectability of character, which it is of the utmost importance for a person holding such an office to preserve. Your Majesty's commissioners cannot too strongly reprobate the introduction into the Gaol, of bands of music and dancers, and a procession of the members of a club; and still more so, the bands of music of an electioneering party, the governor himself taking an active part in their proceedings.

With respect to the charges brought against the governor, for improper application of the county stores or goods manufactured in the Gaol, we conceived them to be matter for investigation between the magistrates and their officer, and not falling within the scope of Your Majesty's commission, in cases where such misapplication of stores or manufactured goods did not operate to the injury of the prisoners, the interruption of proper discipline or due administration of justice in the Prison, and therefore have not thought it any part of our duty to report thereon.

It appears to us, that there has not been sufficient attention paid to the characters of the persons selected for filling the inferior offices in this Gaol; in many instances persons confined for the second and third time, have been appointed to act as constables of the wards, or to other minor offices; thereby, in some instances, exercising a degree of authority over persons of comparatively good character. This observation will also apply to the selection of persons appointed to the minor offices of trust, though not of authority, as in the case of William Carter, who was appointed constable of a ward, and afterwards to the situation of attending the Gaol surgeon, and preparing and carrying out medicines to the sick, to which latter office James Harper had formerly been appointed; though both these persons were at the time in gaol for the second and third offence, and were considered to be of remarkably bad character.

Among other instances of the above sort, we think it right to notice the employment of Edward Shepherd (one of the upper debtors) as the governor's secretary, who is stated by many of his fellow prisoners to be a man addicted to gross swearing, and to be a person of abandoned and immoral character; this testimony is indeed impeached by the evidence of some of the other debtors. But we feel ourselves bound to state, that on our examination of Edward Shepherd, he prevaricated so grossly; and much of his testimony given on oath before us, was so decidedly

decidedly contradicted by letters of his own writing, to William Pitcher, formerly a debtor in this Gaol, that we thought his conduct before us materially corroborated the accusation brought against him. Appendix (Y.)

It appears by the evidence of Richard Pike, one of the turnkeys, and of his wife, as well as by that of most of the prisoners, that the letters of the prisoners are constantly opened and read by the governor's order, in disobedience of the instructions contained in a circular letter from Viscount Sidmouth, Your Majesty's Secretary of State for the Home Department, and transmitted to him (the governor) for his guidance. Appendix (CC.)

It likewise appears, that during a considerable period, there was a great neglect existing in providing sufficient county cloathing for the use of the prisoners, in consequence of which they were reduced to a state of rags and extreme filth; this evil was however removed a few months before our arrival.

We cannot but advert to the circumstance of Sarah Lawrence and Sarah Hewitt (two single women, and prisoners in this Gaol under sentence for felonies,) having each of them been delivered of a child after they had been more than twelve months in this Prison, and at the time that each of them had been employed as a servant in the house of the governor, which circumstances appear never to have been brought to the knowledge of the magistrates; the entry in the Occurrence Book of the births and baptism of these children, made in general terms only, being rather calculated to mislead than to inform. Appendix (DD.) 18 August 1819.

With respect to the various complaints, of the immoderate severity with which punishment had been inflicted on the prisoners, we feel it to be our duty to state, that in several instances they appear to be well founded; of which the cases of James Hillyer, Thomas Gardiner, and Mary Cuer, are in our judgment the most prominent of any that came before us.

We directed the irons worn by Hillyer, as a punishment for an offence committed against the constable of the ward, to be produced, and again put on in our presence; they consisted of a pair of heavy fetters, doubled so as to leave the length of one link only between the legs; a pair of hand-bolts, and a chain connecting the hand-bolts with the centre ring of the fetters. The length of the chain, when strained to its extent, was barely sufficient to allow the wearer to stand upright, carrying, by so doing, according to the statement of Pike, the turnkey, a weight of iron upon his wrists amounting to about ten pounds and a half. It is to be observed, that the rings of the hand-bolts were so small, that it was not without a considerable effort of strength on the part of the turnkey, and evident pain on the part of the prisoner, that they could be forced on his wrists; and notwithstanding that they were on but a very short time, the flesh of the arms was deeply indented when they were taken off. And although it has since been discovered that Hillyer was enabled, by means of a piece of wire which he had concealed, to unlock the fetters from his legs at night, and to fasten them on again before the turnkey visited him in the morning, yet, as he could not remove the hand-bolts, his sufferings for several days and nights (*videlicet*, from the 12th to the 21st of February) during which he was thus ironed, and in solitary confinement, must have been very severe. The governor brought him, ironed in this manner, on the 13th of February, into the presence of three visiting justices; but as he neglected to call their attention to the unusual mode in which Hillyer was ironed, and only spoke of having put him the day before into solitary confinement, those gentlemen state that they did not particularly observe the irons, and gave, in general terms, an order for his continuance in confinement until he should express contrition for his misconduct.

Your Majesty's commissioners conceive that there can be but one opinion as to the gross misconduct of the governor, in applying a blister to the head of Thomas Gardiner, by way of punishment; nor can we refrain from expressing our astonishment, that any medical man should have lent himself to such a purpose; nor can we omit to notice the manner in which the entry was made in the Surgeon's journal, a considerable time after the application of the blister, and so calculated to prevent the magistrates from discovering the extraordinary circumstances of the case. Appendix (AA.)

The case of Mary Cuer appears to us to be one of extraordinary cruelty; with a young infant at her breast, she was, during a period of severe frost and snow, locked up in a solitary cell from Thursday till Sunday. She had had a quarrel with another

another female prisoner, who with her infant was also subjected to the same punishment. It appears by the evidence of Mary Cuer, that for the two first days there was no fire in her cell; that the child suffered severely from cold, and that during the whole of her four days confinement she was provided with only bread and cold water in a bucket, without the use of any lesser vessel to drink out of; and she was not allowed an opportunity of laying out, for the benefit of her child, the money granted by the parish for its maintenance, nor even of warming a part of her own allowance of bread and water for its support; and her own milk having, under these privations, failed entirely, no mitigation to the sufferings of the infant, could be derived from that source.

Two instances of violence and undue correction, on the part of the governor, were presented to our notice; upon them, however, we do not think it necessary to offer any observations, because the parties injured, if any did sustain injury, did not themselves prefer any complaints, because the alleged transactions were stale in point of time; and that one of them appeared to have been inquired into at the time of its occurrence, by the magistrates, and the complaint dismissed.

On the whole, it appears to us, that instances of immoderately severe and indiscriminate punishment have occurred for some time in this Gaol, and frequently inflicted without due investigation, both on the party aggressing and the party injured; and, in many instances, without the authority, or even the knowledge of the visiting justices. It appears to us, that handcuffing prisoners with their hands behind them, is unnecessary and improper, as is the use of what are called body-irons, consisting of a large iron girdle fastened round the waist, to each side of which is affixed a very short chain, with rings for the wrists, thus preventing the wearer of this instrument from moving his hands more than a few inches from his sides. An iron collar, for the neck, was produced by Pike, the turnkey, intended, it should seem, for the purpose of chaining a prisoner to the ground or wall; but it appears to us, from the testimony of the witnesses, that this instrument has never been made use of.

The stocks, spoken of by several of the witnesses are used for the punishment of refractory boys, and, in a very few instances, of refractory females: Those for the former consist of a box with holes in the lid, which confine the legs; they appear to us not calculated to inflict bodily pain, but to operate principally by way of disgrace; unless, indeed, a prisoner should be compelled to stand in them for so long a period as to produce excessive fatigue, as was probably the case when John Wheeler, a boy of thirteen years of age, was placed in them for several successive days, in consequence of his inattention to, and absenting himself from his work. The infliction of this punishment upon him continued about a week, from eight o'clock in the morning until one at noon; he was then released, to go to his dinner, but was replaced in the stocks at two, and continued there till six; and having, during the hours of his confinement, no seat or other means of resting, or any opportunity afforded of changing his position, his sufferings must have been very considerable. Those in the laundry, for the punishment of the women, have a chair affixed to them, and cannot produce bodily suffering; this mode of punishment appears, by the Magistrates' journal, to have been adopted with the approbation of the visiting justices; and if proper care be taken in the mode of inflicting, it does not convey an idea of severity, much less of cruelty.

With respect to the highly important subject of classification, we feel bound to state, that it does not appear to have been sufficiently attended to. And here we beg to express the astonishment and horror we felt, on finding that two men convicted of crimes the most disgusting and unnatural, were actually placed to pass the night, one of them in the same cell, and even in the same bed, with a boy of seventeen, and the other with a man confined for a trifling offence; the former having taken place in direct defiance of an Order of Magistrates, dated 12th of September 1815; "that boys should, on no account, be permitted to sleep with men." We beg, however, to state, that this evil was immediately remedied, on its being communicated by us to the visiting justices. The earnestness too, with which the system of manufacture is here prosecuted, tends to a disregard of classification, for the skill of a prisoner in weaving or performing other work, seems often to be alone considered; and it frequently occurs, that persons committed for trifling offences are placed under the tuition of felons of the worst sort. Among the females, this failure of classification was more apparent; it being the practice that

Appendix (K.)

that all females (debtors excepted) before, as well as after trial, should wear the gaol dress, associate together, and be indiscriminately set to work in the wash-house and laundry by the matron; and those who before trial have objected to labour, have been compelled by the threat of punishment to submit to it. It seems an extraordinary contradiction, that although the female prisoners, while assembled together in the wards, wash-house, and laundry, are strictly kept under the eye of the matron, and carefully secluded from the male officers, except in her presence, they should, when placed for punishment in solitary confinement, and consequently apart from all observation, be attended by a male turnkey only.

The rules, or rather custom of the Gaol with respect to the debtors, appeared to us to be in some instances inconvenient and irritating to them, without any proportionate advantage to the government of the Gaol. Until an order made by the high sheriff and the magistrates, on the very day of our arrival at the Gaol, great and useless obstacles seem to have been opposed to the debtors and other prisoners procuring the water of the adjacent river, which is generally admitted to be greatly superior to that procured from the pumps in their yards.

It likewise appears to us, that unnecessary restrictions are exercised with respect to the visits of the wives and children of the debtors: their wives and infant children are admitted into the yard and day room, which are common to all the inhabitants of that ward, but are not permitted to enter the lodging rooms; the children who are above the age of infancy, are only permitted to visit their parents in the conversation room, and that during the hours between nine and ten, twelve and one, and three and four; the above mentioned room is common both to the upper and lower debtors wards, and is small, cold, extremely damp and without fire. The wife has access to this conversation room at any of the above hours, and may remain there till four o'clock in the afternoon; she is not permitted to go from the conversation room to the ward, but must go entirely out of the Gaol, and then come in again and go to the ward.

The upper debtors ward is inhabited by persons who are enabled to maintain themselves, and are distinguished in the Gaol by the title of "gentlemen debtors." The lower debtors ward is inhabited by those whose poverty renders it necessary that they should be supported by the county allowance of bread, to obtain which they must produce a certificate of utter poverty from their parish; this being generally unknown to persons who have not before been in gaol, it frequently occurs that debtors who are brought from distant quarters of the county without such certificate, are put into the upper ward, and subsist for many days and even weeks on the charity of their fellow prisoners, until the certificate can be procured.

A practice prevails of removing debtors from one ward to the other, by way of punishment for misconduct; thus if an upper debtor is quarrelsome or turbulent, he is removed to disturb the perhaps peaceable inhabitants of the lower ward; and if a lower debtor behaves ill, he is taken to associate with those whose superior situation in life must subject them to considerable annoyance from his company; and if a lower debtor cannot raise the sum of twopence a week to pay the constable of the ward, he is removed to the upper ward, where having no county allowance of bread, he must either starve or be a tax on the benevolence of his fellow prisoners. It seems right that persons requiring the county allowance of bread should not be permitted to purchase luxuries; and no doubt much caution is necessary to prevent an abuse of the charitable indulgence, the concession of which can be justified, solely by the necessity of the case. But the practice of allowing no poor debtor to receive from his friends a present of beer or cyder, unless sanctioned by the surgeon, (although such debtor may not be upon the list of sick prisoners), is fraught with considerable inconvenience; and as his order has no reference to the debtor's health, or been required under any plea of that description, there seems no reason why the discretionary power of granting or refusing the indulgence should not be vested in the governor, acting as he would do under the controlling superintendence of the visiting justices.

The instance of a female debtor being placed in the ward with felons, appears to have been at her own request, in preference to living in solitude, which must otherwise have been the case, she being at that time the only female debtor in the Gaol.

The practice of locking at night the doors of communication between the debtors' lodging rooms and their yards, for security, is productive of the great evil of compelling

pelling them to perform the offices of nature in their close and crowded lodging rooms, an inconvenience which it is obvious might easily be removed, and which it must be presumed, will be provided for in the extensive alterations proposed immediately to be made.

The want of better regulations and proper accommodations for the reception of visitors (not being wives or children) to debtors and prisoners of particular classes, seems to have been severely felt generally; and in the instances of Mr. Kinnear and Mr. Hunt, to have given rise to the complaints of the latter, under the following circumstances and orders. Soon after the arrival at Ilchester of Mr. Hunt, he and Mr. Kinnear were removed to apartments that had been prepared for their reception: on the 6th of June 1820, an order signed by five magistrates and the under sheriff, directed that "Mr. Kinnear and Mr. Hunt be permitted to receive their "visitors in their own ward, at the regular hours, until the visiting magistrates "direct otherwise." On the 6th of July following, eight magistrates and the under-sheriff being assembled at Ilchester Gaol to hold the Gaol Sessions, made the following entry in their journal: "Certain written requests having been made "by Mr. Hunt, on the part of himself and Mr. Kinnear, and the same having been "considered, Ordered that Mr. Hunt and Mr. Kinnear be permitted to receive "visitors in their own rooms from nine o'clock in the morning till sunset, until "further orders." In the Magistrates' journal of the 12th of August 1820, this order, signed by one of the visiting justices, appears: "Read a note from Mr. Hunt, "stating that he has not been permitted to receive any wine or table-beer when "he has had his friends at dinner, six in number; and considering that it was the "intention of the justices to deal liberally with Mr. Hunt as well as Mr. Kinnear, "I venture to order that Mr. Hunt may be allowed to have at the rate of a bottle "of wine for every two days, and the quantity of three pints of table-beer per day; "with regard to persons with Mr. Hunt being required to leave the prison during "the time of divine service, I do not think that the indulgence granted on the sixth "day of July, being the Gaol Sessions, warrants such restriction." The next entry upon this subject, which appears in the Magistrates' journal, is to the effect following: "Copy of order received from the under-sheriff at Wells, on Sunday "the 19th instant.

"Wells Assizes, 14th August 1820.

"It appearing that inconveniences have arisen in consequence of certain orders, "rules and regulations which were made by the visiting and other justices assembled at the Gaol at Ilchester, on Thursday the sixth day of July last, it is now "ordered, That such orders, rules or regulations, except in such parts thereof as "relate to the improvement of the wards in which Henry Hunt and John Kinnear "are confined, as also to the permission granted to them to walk in the manufactory yard, and to their employment of two prisoners as their servants, be "rescinded; and that in future no female visitors, except the wives and children "of the said Henry Hunt and John Kinnear, be admitted into their private rooms; "and that male visitors be therein admitted only between the hours of nine till "twelve o'clock in the forenoon, and three to four o'clock in the afternoon; and "that the keeper of the said Gaol do not permit any prisoners to lodge or board "in his house."

The above order was signed by twenty magistrates and the under-sheriff. In the Magistrates' Journal of the 24th of August 1820, it is ordered that "Mr. Hunt "and Mr. Kinnear shall be at liberty to see any friend they may think proper, for "one hour, at any time of the day between the hours of nine in the forenoon and "four in the afternoon, except the three hours that are set apart for the debtors "to see their friends in the conversation room."

Signed by two magistrates.

On the 12th of October 1820, in the Magistrates Journal, is the following entry:

"Ilchester Gaol, 12th of October 1820."

(Present ten magistrates and the under-sheriff.)

"The visiting justices having laid before this meeting a letter from Mr. Clive, "Under Secretary of State, transmitting to them, by Lord Sidmouth's directions, "a letter from Mr. Henry Hunt, dated the 19th ultimo, addressed to Mr. Justice "Bailey, and Mr. Hunt having been called in, and asked whether he had any "thing to say in explanation on this letter, or any other complaint to make, he answered,

" answered, that if the magistrates were in possession of his letter, they were " acquainted with all he had to say, and that he wished to be placed in the same " situation as he was in by the order made at this place on the sixth of July last; " and complained of a subsequent order made at Wells, on the fourteenth of " August last. Ordered, that copies of all the orders relative to Mr. Henry Hunt, " and Mr. John Kinnear, be extracted, and, together with the said letter from " Mr. Clive, and its inclosure, be laid before the court of Quarter Sessions on " Monday next."

On the 16th of October 1820, appears in the Magistrates Journal, a copy of the order of sessions:

" Ordered, That no female visitors, except as aforesaid, (wives and children) be Appendix (CC.) (O⁴.)
" admitted to the said Henry Hunt and John Kinnear, but at the usual hours in " the debtors visiting room at the said Gaol, unless upon some urgent occasion, " allowed by and stated in an order first obtained for that purpose, from one of " the visiting justices of the said Gaol, or the sheriff of the said county of " Somerset."

Signed by the Clerk of the Peace.

In the Magistrates Journal, dated the 15th of December 1820, an entry is made to the following effect:

" Mr. Hunt is to be allowed to receive the visits of his female, as well as male " friends, from nine in the morning till four in the afternoon."

Signed by the High Sheriff.

And finally, there is in the Magistrates Journal: " February 13th, 1821.

" Ordered, That the order made at the General Quarter Sessions, held at " Taunton, on the sixteenth day of October last, respecting the admission of " female visitors to Henry Hunt and John Kinnear, be enforced by the governor, " on and after the twentieth of February instant."

Signed by the three visiting Justices.

It is to be lamented that the sheriff and magistrates did not, early in the imprisonment of the two individuals above-named, co-operate with each other, and agree in laying down, upon mature deliberation, a system of treatment to be observed towards them, instead of separately issuing the above contradictory, and, in some instances, irritating orders; no evidence of the particular inconveniences alluded to in the order of the fourteenth of August, was adduced before us, although repeatedly demanded by Mr. Hunt.

The want of accommodation for the sick, so strongly pointed out by Sir John Palmer Acland, in his last entry in the Magistrates Journal, on June the twenty-fourth, 1820, has been felt in a considerable degree, in the instance (amongst others) of Treble, (a debtor,) who lingered under a long illness, and actually died in the common lodging room of the ward, subject to the disturbance unavoidable in such a situation. This evil is increased by the practice of locking the staircase door at night, whereby the person attending the sick man as nurse, is precluded from access to a fire to warm that which it may be necessary to administer in the night. George Goodman (a debtor whom we examined) appeared to be reduced to a very bad state of health, from the fœtid air and the cold to which he was exposed during his night attendance on Treble.

It appears, that in some instances, articles of nourishment ordered by the Gaol surgeon for the sick, have not been administered; the only reason assigned being, that the market at Ilchester did not supply them. It seems, however, extraordinary, that the surgeon to the Gaol should not have considered it as part of his duty, (after he had ascertained that his orders were not obeyed) to report the fact to the visiting justices.

It is to be observed that these evils seem only to have existed lately; for during the prevalence of typhus fever in 1817, the sick received every possible attention; and the activity of the governor and officers, as well as of the medical department, assisted and directed by Dr. Woodford, of Castle Cary, who was specially called in by the magistrates, appears to have been most praiseworthy. To the conduct of the governor indeed, on that occasion, it is impossible to advert without admiration.

miration. To his unremitting vigilance, to his disregard of personal safety, to his promptitude in executing the orders of the physician, and to his humane attention, have been attributed, and apparently with justice, the comfort and recovery of the sick, and the effectual check that was at length given to that dreadful disorder.

Some inaccuracy appears to have existed, in keeping the account of the term for which prisoners have been sentenced to be confined, the effect of which has been a continuance of their imprisonment beyond that period when they ought to have been released; an instance of this negligence appeared in the case of Ann Denman.

The examination into the circumstances incident to the death of Ford (late a prisoner in this Gaol) led our attention to the manner in which the Coroner's inquests on the bodies of prisoners dying in Gaol, have been taken. Not only in the case above alluded to, but in many others, the inquiries appear to have been
Appendix (BB.) conducted in an extremely slovenly manner; the inspection of the corpse has been frequently cursory and superficial; short and hasty memoranda of the testimony of the witnesses have been substituted for the full and accurate deposition, by which alone a correct view of the case can be given. The surgeon of the Gaol has been deemed a sufficient evidence of the medical facts, although he has not been in attendance on the deceased. And on the other hand, instances are not wanting, where the surgeon, after having been the sole medical attendant on the deceased, has absented himself from the inquest, and has been permitted to have himself represented by an entire stranger to the occurrence, and of course disqualified for communicating any facts to the jury; under circumstances of such irregularity, it cannot be matter of surprize that the verdicts should be impugned.

In the case above alluded to, the evidence of Chamberlayne, that Ford had received a blow from the then turnkey, which if not the immediate cause had induced his death, in our judgment is undeserving of credit; it rests upon the uncorroborated testimony of an individual, who, in delivering his evidence before the Coroner, suppressed that which, if true, was the most material feature of the case; and who, although living within seven miles of Ilchester, does not appear to have made any communication with reference to the blow, until after the investigation into the state of the Gaol had commenced, and he had been urged by a woman (his neighbour) to try if he could recollect any thing that happened amiss whilst he was in prison. Nor does the burial of Ford, in the evening of the day on which he died, serve in our opinion, to uphold the testimony of Chamberlayne; for at the time of Ford's death, those cautionary measures (which, during
Appendix (AA.) the prevalence of typhus fever in 1817, were under the directions of the physician, had recourse to) still remained in force, and one of them being "that the body of "a patient who had died of that disorder, should be buried as soon as possible," it would be unreasonable to make an indiscriminate, though perhaps absurd application of that regulation to a case unconnected with the disease which occasioned it, evidence of the guilt of the turnkey, whose character is universally admitted to be excellent, whose general conduct seems to be irreproachable, and whose demeanor in our presence left us no reason to doubt his veracity.

A very objectionable practice seems to have existed, of placing fetters and handcuffs on criminals when taken to execution; such precaution cannot be necessary; escape is nearly impossible, and the ordinary confinement of the arms is sufficient to prevent the unhappy object from increasing his own sufferings by resistance.

In the progress of our inquiry, allusion having been made to a petition, intended to have been presented to the House of Commons, from certain debtors confined in this Gaol, in the year 1813, (but which petition was abandoned, in consequence of the parties themselves having disagreed as to the mode of carrying their intentions into execution) we have thought it right to set out, in the Appendix to this Report, the petition at large, and the proceedings had thereon, as they appeared in the Magistrates' Journal.

In bringing to a conclusion our observations on the internal management and discipline of this Gaol, we cannot but observe, that a system of irritation, rather than one of steady authority and conciliatory government, appears to have existed. We conceive that though punishment, as far as relates to criminals, is the main object of gaols, which, like this, are also houses of correction; yet, that in the internal

internal government, the strictest attention ought to be paid to the accurate and impartial administration of justice; that it is of as much consequence to encourage the contrite and orderly prisoner, as it is by the infliction of punishment to subdue the hardened offender; and that where punishments are necessarily inflicted, they should be such only as are ordained by the laws passed for the government of gaols, and administered, or at least sanctioned by the authority of the magistrates; and although we fully concur in the great advantages of keeping convicted criminals employed in labour, yet we cannot think that the interests of a manufacture, carried on in the Gaol, ought to be allowed materially to interfere with the more important system of classification. In a manufactory, like that at Ilchester, it is impossible for the eye of the taskmaster to watch over the conduct of the prisoners employed in the different workshops. There seems, therefore, reason to fear, that the mind of the young and inexperienced prisoner may receive contamination from associating (even during the hours of labour) with the old offender; who, on account of his superior skill at the work in which they are engaged, may be placed over him, and who has thus, whilst he teaches him perhaps a trade, an opportunity of instructing him at the same time in wickedness also.

We conceive, that with respect to debtors, every comfort ought to be afforded to them that their situation will admit of, consistent with the safe custody of their persons; and that the domestic relation between husband and wife, parent and child, should be as little as possible deranged.

With respect to the religious establishment of this Gaol, we are compelled to observe, that till lately, it has been very inadequately provided for; divine service having been performed once in the day on Sunday only. And it does not appear to have been the practice, or to have been considered a part of the duty of the late chaplain to visit prisoners in their wards, or those in solitary cells; nor does it seem to have been required of him to keep a journal, agreeable to the provisions of the 55th Geo. III, which directs, That such journal shall be kept in a book provided for that purpose, and which shall be regularly laid before the Justices at the Quarter Sessions, for their inspection, and in proof of that having been done, shall be signed by the chairman. We have great pleasure, however, in representing to Your Majesty, that abundant hope is afforded of a decided amendment on this head, from the apparent zeal of the newly-appointed chaplain, (the Rev. John Valentine) under whose auspices the duties of his office will be executed, we trust, in a more regular and beneficial manner, and the school for juvenile prisoners (which appears formerly to have existed, and the reasons for the discontinuance of which did not appear) be revived.

It may not perhaps be too much to add, that the internal government of this Gaol appears to have been considerably deteriorated since the declining health of Sir John Palmer Acland has deprived the county of Somerset of the advantage of his unwearied and vigilant superintendence.

An attempt was made to fix upon the governor the odious crime of robbing the charity box, containing the donations for the relief and discharge of the poor debtors. It should be observed that this box is fixed in the public entrance at the lodge; considering therefore the difficulty not to say impossibility of his committing such a crime, without exposing himself to immediate detection in the act, and that the evidence was left altogether so loosely, we could not come to the conclusion that such charge was sufficiently supported.

THE SITE AND BUILDINGS.

IN Obedience to Your Majesty's further commands, that we should inquire "touching the Site and Buildings" of ILCHESTER GAOL, we examined its local situation with reference to the adjacent country, to its position in the county, and to the advantageous or injurious proximity of other buildings; we also examined the disposition, convenience and construction of the several courts and apartments; and as the result of such inquiry, humbly report to Your Majesty, that the Gaol is situate on the northern bank of the river Ivel or Yeo, the waters of which wash its wall; but a commodious communication is maintained with the very small town of Ilchester, by a good and substantial stone bridge abutting to the north against the

boundary wall of the Gaol now building, and to the south against the premises at the entrance of the town.

The country to the south of Ilchester for about two miles is a dead flat, the soil alluvial to a considerable depth, and intersected with wide and deep ditches, marking evidently the conversion of moor into the rich and luxuriant pasturage to which it is almost exclusively applied; a similar character pervades the county for several miles eastward, and to the west and north-west the level expands, until it unites with the well known and extensive district of Sedge Moor: Ilchester therefore may be considered as placed a short distance within the confines of a widely extended reclaimed moor.

Notwithstanding that a fall of six feet in the river within a mile from Ilchester, gives to its water a free current, and that the tops of the banks are nearly ten feet above the ordinary height of the water, we were assured that not unfrequently the torrents from the hills descend with such rapidity and in such quantities, as in a very short space of time to overflow the banks and to inundate the whole of the vast flat; the Gaol standing upon a level with that country, is on such occasions a participator of the deluge, which has been known within a few years past, to cover the pavement to the depth of twelve or sixteen inches, leaving when it subsides a muddy residuum, and the other ordinary and offensive concomitants of flood.

With regard to the advantageous or injurious proximity of buildings to the Gaol, its being placed within two hundred yards of the town of Ilchester can be considered in no other point of view than as conducive to convenience, and therefore to a certain degree advantageous; the same may be said as to the houses of the village of Northover in which it stands, with the exception only of the house and premises
Plan (D.) of Mr. Tuson, the contiguity of which is injurious, as affording easy access to those without, who wishing to communicate with prisoners confined in the yards, over which no officer has inspection, may execute their intention either by means of the garden wall which is attached to that of the Gaol, by fruit trees nailed against the latter, by the roofs of low penthouses forming part of Mr. Tuson's premises, and which rise gradually from within a very few feet above the ground to the top of the wall; or by a window in the upper story of the house opening into the debtors' yard. The contiguity of these premises is also injurious as obstructing the free circulation of the air on the whole northern side, either by the buildings or by a row of lofty poplar trees planted within ten feet of the prison wall, and growing to the height of about fifty feet; the branches of which approaching the top of the wall, greatly increases the insecurity.

The position of Ilchester, and of course of the Gaol, is in the south-eastern angle, and within seven miles of the boundary of the county, and it is nearly equi-distant from its northern and western extremities; but if thereby, the different parts of the county derive an apparent equality of accommodation, the benefits therefrom are materially diminished, by the Gaol being situate at the distance of eighteen miles from the nearest town at which either the assizes or quarter sessions are holden; in a part of the county comparatively thinly inhabited, and out of that district (comprehending the cities of Bath, of Wells, and part of Bristol, and the great manufacturing population) from which it is natural to suppose, that a considerable portion of its inmates must be derived; we therefore cannot but express
Appendix (L. M.) our regret, that a prison so situate should have been selected as worthy of those extensive alterations by which it has been attempted to fit it for the purposes of a sheriff's gaol, in addition to those of a house of correction.

Another objection, is its vicinity to a town so inconsiderable, and so poor, as to afford little of that accommodation which is frequently required by the inhabitants of county gaols, and in particular that which would arise from the establishment of an under-sheriff's office, with which the debtors in the Gaol might carry on their frequent communications at small expense, and with facility; this inconvenience is indeed in some measure palliated by the liberality of Messrs. Broderip and Mellior of Wells, who, when either of them execute the office of under-sheriff, which one or the other has done for the last twenty-nine years (with the exception of only three) procure the supersedeas for the release of debtors, at no other charge than that which they have actually incurred.

Although it may be said, that Ilchester affords sufficient accommodation for the reception of such persons as are usually the visitants of county gaols, yet from the

the distance at which the Gaol is placed, without that part of the county whence the large proportion of prisoners, and of course of visitors (whether as friends or professional agents) come, such an obstacle in the expenditure both of time and of money, is presented, as may deter many from carrying to the prisoners (whether they be for trial or for debt) the consolation and assistance of which frequently they stand in need.

The county too must feel the weight of charge, created by the conveyance of prisoners so far to gaol, and from thence to each of the assizes and quarter sessions. The practice (to which this arrangement has given birth, and which has subsisted for about the last twelve years) of causing executions to take place at this Gaol, Appendix (U.) has superadded an inconvenience which in some instances is peculiarly objectionable, and in most, prejudicial to the public interest. If it be the end and object of all executions, to protect the public safety, not only with respect to the criminals themselves, but also with regard to those inclined to commit the like crimes, in deterring them by those examples; nothing can be more agreeable to the end of such punishments, than to inflict them with such publicity and solemnity as is most proper to make an impression on the minds of mankind in general; surely then that spot is the least eligible which is the furthest removed from the most populous districts.

It is rendered peculiarly objectionable, where by statute, the awful sentence of the law must be carried into almost immediate effect, as in a case of murder; the short interval of forty-eight hours allotted to the great work of repentance, is here miserably abridged by the necessary removal of the culprit to a distance of at least eighteen miles; a process which must occupy too many of the valuable hours, in which the mind ought not to be distracted by any extraneous objects unnecessarily brought within its contemplation. The Gaol appears to have been built at several periods; it occupies about an acre of land, and is intended for the reception of two hundred and twenty prisoners. Although the several additional buildings when viewed separately, may be considered as uniformly built, yet as a whole, the edifice assumes so much of irregularity, as to require that we should, in observing upon the arrangement of the courts and apartments, refer to the plans which the magistrates of the county obligingly put into our hands.

Availing ourselves of this accommodation, and referring to map (A.) we have to Plan (A.) observe that upon entering the Prison, the building first presented to the eye, and appropriated to the residence of the gaoler, is conveniently situate nearly in the centre of the Gaol; but with relation to the courts and apartments occupied by prisoners, it is so circumstanced as not to afford to the gaoler any facility of inspection.

To us it appears a singularly unfortunate part of the arrangement, that neither the gaoler's house nor the turnkey's lodge commands any view of those yards in which the most atrocious criminals are placed; the two wards appropriated to the reception of female prisoners, and the two for debtors, being those alone over which the vigilant eye of a keeper can exercise the salutary control of frequent and unexpected observation.

The four wards to the right and left of the entrance, are conveniently situate for the prisoners to whose reception they are devoted, viz. males for trial, males under sentence of transportation, and such males as, having been convicted, are either sentenced or ordered to be imprisoned as a punishment for their crimes. These wards are well suited to the species of discipline here adopted; each consists of a yard with a day-room, a kitchen—sufficiently spacious for a moderate number of prisoners, but certainly not for so many as have been of late confined in them. The height of these rooms is nine feet, and their mean size near twenty feet square; in each there is a large fire place; the windows open into the court to which the room belongs. Each ward is also provided with a convenient room or closet, in which is kept the prisoners' food, and each is duly furnished with a pump and privy. The walls surrounding these several courts are lofty, so much so in some parts that (for the sake of promoting ventilation) it would be well if, with a due regard to security, they could be lowered; a portion of one of the courts is taken off as an entrance to the chapel, and a portion of another for the pump and offices of the turnkey at the lodge; thus in both cases deteriorating the courts so reduced in size. The chapel adjoins the gaoler's house; it is lofty and well calculated for about one hundred and twenty or one hundred and thirty prisoners; it is fitted up with par-

titions for separation, but that is not so completely effected as entirely to prevent
Plans (B.) (C.) the different classes, or even sexes, from seeing each other. There are over the whole of these apartments night cells and dormitories; the cells are sufficiently high and roomy, in some instances more so than is necessary for the use of a single prisoner; thus perhaps inducing the bad practice of placing more than one person to sleep in the same cell: each of the dormitories is intended for the reception of several occupants.

Upon this part of the arrangement we humbly presume to state, that our opinion is not favourable; we cannot approve of any plan that does not afford to each Prisoner a separate apartment for the night; and we think it essential that each of these apartments should be so constructed, as to give to the atmosphere by day a rapid circulation, and to prevent it during the night from becoming stagnated and heated: in this particular many of the night cells are very defective, more especially those of the felons and the convicts wards. Upon reference to plans (B.) and (C.) it will be found, that such cells open into long, narrow passages; that no air is admitted but such as can be received from thence, which, when the passages are closed by night, must be in a fetid state. Of this we had, upon our first inspection (at a late hour in the afternoon of a very fine day) ample proof; for as the cells had then been open and unoccupied near twelve hours, they ought, with good ventilation, to have been perfectly free from impurity; instead of which, each retained a close and offensive smell, which we conceive would not have been the case, had there been to each cell a window or large aperture on the side opposite to that in which the door is placed, so as to have admitted an uninterrupted current of air. The almost total exclusion of light appears to us to be also a great defect.

Through the gaoler's house is a passage into a spacious court, the whole northern side of which is occupied by a building containing on the ground floor
Plan (A.) a wash-house, bakehouse, bread-room and cellars; and in the upper story two laundries and two store rooms.

The construction within the wash-house, both of a privy and of an entrance to the sewers, appears to be the material objection to this building; though all those of heat, obstructed ventilation, and damp, usually prevalent in such places, are present here to a considerable extent; the closed blinds in front of the windows tending to increase the evil, and to darken the apartments.

Plan (A.) At each extremity of the back court is a small ward, the one intended as an infirmary for males, but used for misdemeanants; and the other intended for juvenile offenders, but appropriated to the reception of female debtors; each has a court with a privy in the centre of it. The infirmary apartments consist on the ground floor, of a small room twenty feet long, and eight feet four inches wide, close and ill ventilated; within it are a scullery and a staircase. The two apartments above stairs are commodious. The apartments in the boys' ward are all on the ground floor, consisting of a kitchen, fourteen feet by eight feet six inches, leading into two night cells. The northern aspect, contracted size, and lofty walls, render these wards but ill adapted to the intended purposes; and in the latter (if inhabited by boys) the want of a ready means for inspection by the officers, would tend to counteract the best prison discipline.

The several courts and buildings to which we have now referred, are comprehended in what may be considered the central division of the Prison; to the
Plan (A.) west of which is situate the prison for females; its spacious yards, perfect exclusion from the men's wards, and well-contrived means of inspection, strongly recommend this part of the general arrangement; if the night cells are insufficiently ventilated, it could not be difficult to remove that inconvenience; for as they open
Plan (B.) upon an uninclosed gallery, no obstruction to the admission into them of the external atmosphere could be presented, were the windows judiciously placed, and of adequate size.

Plan (A.) To the north of the female prisoners ward, but unconnected by avenue or approach, are three small wards; the two first intended for and used, till required on a late occasion for a different purpose, as cells for refractory prisoners, and the third intended for an infirmary for females. We had the opportunity of seeing these three wards under different circumstances of weather; and the impression left on our minds, is, that they are, for the purposes to which they are intended to be applied, the most objectionable part of the Gaol. It is in this part that the inconvenience

venience of high walls is most sensibly felt: with a northern aspect and no good admission of air, all the worst effects of damp prevail in an aggravated degree, the cold evaporations of wet seasons and the heat of the summer, each generate a species of atmosphere distressing and insalubrious; when to this is added the distance from that assistance so constantly required in hospitals, we consider the ward intended for the sick, peculiarly ill suited to its purpose, and therefore received satisfaction from finding that it is proposed in the projected alterations, to convert it to some other purpose. When we visited Ilchester, this ward was occupied by Mr. Hunt, and the adjoining refractory ward (in which are two cells each nine feet ten inches by seven feet five inches, and having a fire place) was given up to two prisoners who attended upon him. The magistrates appeared to have made many alterations calculated to improve the apartments for the occupation of Mr. Hunt; and in the general arrangement it did not occur to us, that the Gaol could have admitted (without great sacrifice), of a disposition more conducive to his comfort. So long, however, as such an exclusion of sun and air continues, the main objection to the ward cannot be considered as removed. The other refractory ward contains one cell and a yard, both of which are of similar dimensions to those of the former refractory ward. All the evils affecting the ward in which Mr. Hunt is confined, prevail with reference to both of those last mentioned; but as the refractory inmates for whom they were intended, must be presumed to be in health, and as their confinement in a state of punishment cannot be expected to continue a great length of time, those evils would be by them less sensibly felt, than by patients wholly confined to the limits of the infirmary; to avert the prejudicial consequences in Mr. Hunt's case, the indulgence of walking in the factory yard at stated hours of the day, is granted to him. Appendix (CC.) 17 June 1820.

Adjoining to the female ward is the factory yard, a large oblong court containing a long range of shops, in which the prisoners are employed on various works. To prosecute a system of imprisonment entirely depending upon labour for the reformation of criminals, and in which the separation of classes and the discrimination of characters are disregarded; these workshops appear well contrived. They consist of seven shops on the ground floor, in which the manufacture of woollen and linen cloth is carried on, as well as shoemaking; and the upper story is divided into two rooms, in one of which spinning machines are placed, and in the other is the carpenter's shop. With this yard is at present terminated the western extremity of the prison; but the want of a suitable building as an infirmary for the sick, having been found to be a great and lamentable deficiency, a piece of ground adjoining to the western wall of the factory yard has been purchased, on which it is proposed to erect hospital wards. Plan (A.)

The eastern division of the prison is occupied by the debtors; to their reception are allotted two wards, the one being for the upper debtors (or those who maintain themselves,) and the other for the lower debtors (or those whose poverty renders them wholly dependent upon the county for sustenance.) Each ward consists of a court and a building, containing a common sitting-room and several bed-rooms; there is besides, in the centre of each yard, a small kitchen, larder, pump, and privy: the whole cannot, however, but be deemed extremely defective in arrangement. But this part of the prison being considered in a state so dilapidated and miserable, as to have induced the Magistrates to determine upon taking down the whole and re-building it, upon a plan, which it is considered, will afford increased accommodation. See Map (F.) Plan (A.) Appendix (N.) Plan (F.)

We presume that it is not necessary to enlarge upon the present defects, further than to express our decided opinion, that the insufficient admission of light in some rooms, of external atmosphere in most, and the bad arrangement of the whole, fully demand an immediate and extensive alteration, in which should be comprehended improved accommodations for the reception of visitors to the debtors. The diminutive size, gloomy appearance, and incommodious situation of the room now appropriated to that purpose, are too apparent to leave any doubt of its insufficiency.

The whole edifice is constructed of stone from the neighbourhood, and appeared to us to be (with the exception of the two debtors wards) well and substantially built.

The courts throughout the prison are paved, but in general the stones are laid on the edge, and as no mortar or other cement is used, the interstices are open, whereby all water, whether from rain or that with which the pavements are

 washed,

washed, instead of flowing off into gutters and being thence conveyed into the sewers, sinks through the crevices into the earth, and thus adds to the prevailing and pernicious damp. The necessity of averting this inconvenience does not appear to have been impressed on the minds of those who superintended the execution of the paving; as the ordinary precautions for carrying off water by gutters, and by an inclination of the pavement to them, does not in any part appear to be resorted to. True it is that many sinks are placed under the eaves of the overhanging roofs, but no gutters conduct the water into those sinks; and from some cause or other, it happens that they now rest on the highest instead of the lowest ground; and of course are not productive of the slightest benefits.

The alledged bad state of the water furnished a great cause of complaint, and excited amongst the prisoners, generally, an idea that its noxious quality produced even upon a slight use of it, disorders of a gravelly nature. The notions of the presence of unwholesome properties were strengthened by the offensive smell and taste which generally prevailed, though at some periods of the day, and in some parts of the Gaol more powerfully than in others; and the opinion of its pernicious effects seemed confirmed by an assurance entertained, that the symptoms of disorder which accompanied the use of it, ceased upon having recourse to the water of the river.

Appendix (P.) In support of some of the allegations of the complainants, it was thought proper to examine Dr. Kinlake, an eminent physician of Taunton; and on the other hand, the magistrates felt desirous that a complaint so serious should receive the fullest investigation; and most properly afforded to your Majesty's commissioners all the Appendix (Q.) advantages which they could derive from the several opinions of Sir George Gibbes Appendix (S.) of Bath, of Dr. Woodford of Castle Cary, and of Mr. Eastwick, an experienced Appendix (R.) chemist.

Under the superintendence of Sir George Gibbes and the latter gentleman, the water was submitted to a careful analysis; and the result to be collected from thence, as well as from the several opinions of the medical gentlemen, seems to be, that the water contains no deleterious properties; that the painful symptoms described, cannot originate in the use of it; and that the offensive smell and taste proceeds from an extraneous cause, apprehended by Dr. Kinlake, and satisfactorily established by Sir George Gibbes, who remarked that all the wells of the prison, with Plan (E.) the exception of that in the factory yard, one situate within the compass of a deep sewer, which (as shown in Map E.) embraces within its course nearly the whole of the prison, including all the other sewers and all the privies: that the water in the well of the factory yard is good; and as the only apparent difference between that and the other wells is its being situate without the range of the drains, he concludes that the water of the latter wells must be affected by the drains, or other sources of impurity within the prison; and that such as are peculiarly complained of, may be more exposed, from a greater porosity of the gravelly stratum in their neighbourhood, or from a loitering of the water and the soil in the drains thereabouts.

It also appears probable, that the sewer may produce a further prejudicial effect, by cutting off the pure supply of water; for the stratum in which the wells are sunk being gravel, and the water detained therein, by a stratum of shale and clay, at the depth of from nine to eleven feet, it is obvious that all the wells (none being sunk through the shale) must be supplied by water percolating through the gravel; if therefore a circumjacent drain, so deep as nearly to reach the stratum of shale, be formed (as is the case) the supply of water which passes through the gravel from the neighbouring hills, must be in great measure intercepted; and the wells within the range of such drain, must receive much of their supply from sources less pure, less abundant, and more susceptible of contamination from the foul Appendix (Q.) drainage of the Gaol. But as is stated by Sir George Gibbes "let the evil arise "from either of the supposed causes, the remedy must be the same, viz. the "conveyance of water for the use of the prison, through pipes communicating "with a pure source;" and as water is the only beverage used by the largest proportion of the prisoners, and consequently as it is of the greater importance that its quality should be free from contamination, we humbly recommend, that immediate steps shall be taken to carry into effect the suggestion above alluded to.

In completion of our inquiry, we considered it to be our duty, minutely to investi- Plan (E.) gate the state of the sewerage of the prison; in executing which, we received the assistance of two skilful surveyors. We caused various openings of the drains

to

to be made, and a plan to be furnished, marking the course of each, with an account of their levels; which plan will be found in the Appendix. The sewers (for the sake of procuring from the tail of a mill in the immediate vicinity, a supply of water to flow through and cleanse them) are constructed many feet below the surface of the earth, and many more feet than would probably be necessary, could the water be taken at a higher level; the principal inconvenience arising from their low position, is the inability to give to the drains a fall sufficiently rapid, to effect the intended scouring, by the uninterrupted flow of the water.

An attempt to remedy that defect, by sinking the outlet to a still greater depth, would probably fail, as a considerable portion of the drains in the region of the outlets, would in that case be placed so much below the ordinary level of the river, into which they must be carried, as to produce a refluence of the water from thence into them; counteracting the current which descends through the drains from the mill. The consequence of the present arrangement is, that filth and soil accumulating to a considerable degree, it becomes necessary to employ men frequently to remove the inconvenience.

The surveyors are however of opinion, that by the adoption of a plan suggested in their report, the sewers may be daily cleansed by a flow of water, taken either from the present place, and so managed as to acquire increased action; or if that does not attain the desired object, brought from a higher level. Appendix (T.)

There being neither rooms for the reception of prisoners on first committal, nor baths, is a material deficiency in the provisions embraced by the present arrangement; it is a highly commendable practice, on the first introduction of prisoners into gaol, to place them in reception cells, from which they are on no account to be passed into the wards, until the surgeon can from inspection pronounce them to be free from disease, and until the gaoler is satisfied of the cleanliness, both of their persons and cloathing; the bath is of course a necessary auxiliary of this prudent precaution, and would be frequently found of use in preserving that degree of cleanliness, without which the health of the prisoners cannot be adequately maintained, nor the moral effects of good prison discipline be fully achieved.

It is evident, that great pains have been bestowed, and considerable sums expended, in attempts to render this Gaol commodious, and adapted to an improved discipline; and it must be admitted, that although in some important particulars, obvious defects still exist, success has in great measure attended the laudable exertions of the magistracy, who have devoted much of their time and attention to the subject. When discharging the painful duty of pointing out the defects, it is consolatory to us to know, that many of them have been noticed by the visiting justices, and that alterations are in contemplation by which it is hoped that they will be removed or materially mitigated. Plan (F.)

Before, however, extensive works are commenced, it may be of important advantage that every objection which can be raised should be suggested, in order that it may be fully considered; and therefore it is, that in concluding our Report on the site and buildings, we humbly presume in reference to some of our earlier observations, to submit to Your Majesty, the impression made on our minds as to the appropriation of the Prison.

This edifice is now used, and is intended to be used, both as the Sheriff's Gaol and a House of Correction. (As the Sheriff's Gaol it is to hold debtors, prisoners committed for trial, convicts under sentence of transportation, and those awaiting execution; on none of whom is imprisonment inflicted by way of punishment; and the closeness of whose custody is in most instances to be measured by that only which is necessary to secure their persons: as a House of Correction, it is destined for the twofold purpose of imprisonment, for the safe custody of certain prisoners, and the punishment of others.) It appears to us, that there is not sufficient accommodation or space so to arrange, class and distinguish the several descriptions of delinquents, as to render practicable the due observance of the variety of discipline suited to their different cases, and to separate the old and hardened offender from the young and inexperienced. This consideration, in addition to the inconvenient distance at which the Gaol is situate from the place where the assizes and sessions are holden, induces us to think, that could any other prison be constructed for the use of the sheriff, in a situation free from these

objections, much convenience would accrue, not only to the unfortunate persons committed to the Gaol and to their friends, but also to the public officers, to the magistracy, and to the county; and that the ends of justice would be more satisfactorily and readily attained. In such case this Gaol might be converted, at small comparative expense, into a house of correction, which, with the essential advantage of more easy inspection, with good supply of pure water, with an improved ventilation in particular instances, with means of averting some unnessary causes of damp, with the application of a portion of the buildings to an infirmary, and with additional precautions for the observance of cleanliness and the prevention of contagion, might in the hands of a vigilant and conscientious governor, give full efficacy to a system of salutary discipline.

Having, in the course of our inquiry found that frequent allusion was made to Mr. John Kinnear, who had been for the two last years a prisoner in Ilchester gaol, and admitted by the governor to an intimate knowledge of the transactions that had during such time occurred; and likewise to Mr. Hobbs, late the task-master, we issued our summons, directing them to appear before us; each of them was, however, prevented from so doing, in consequence of his imprisonment for debt; the one in the Fleet, and the other in the Whitecross-street prison. Upon our return, therefore, to London, we deemed it expedient to visit, on the following morning, those two prisons, that we might examine the above-mentioned persons; but as the information derived from them contained no facts with which we were not previously acquainted, and was merely confirmatory of that which we had received at Ilchester, we did not consider it necessary to examine them on oath, or to reduce their testimony to writing.

After having been occupied on this inquiry at Ilchester, from the 24th of May, we returned to London on the 2d of July, and there continued to prosecute the objects of Your Majesty's Commission, until the 17th day of the same month; we then separated, and since that time have been sedulously employed in revising and arranging the voluminous documents which we had collected, and in framing the Report, which, in obedience to Your Majesty's commands, we have prepared; and we earnestly hope, that a careful examination into all matters to which we conceived that Your Majesty's Commission referred, has enabled us to submit to Your Majesty, such a detail of facts, accompanied by such observations, as will accomplish the gracious intentions entertained by Your Majesty.

THO^{S} G^{N} ESTCOURT.
C. G. MUNDY.
J. D. PHELPS.

4th December 1821.

REPORT

FROM THE

COMMISSIONERS

APPOINTED TO INQUIRE INTO THE STATE OF

ILCHESTER GAOL.

Ordered, by The House of Commons, *to be Printed,*
8 *February* 1822.

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